

REMARKS/ARGUMENTS

In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested. By this amendment, claims 12 and 19 have been for clarity. Thus, claims 12, 15-20, and 22-24 are pending for further examination.

Claims 12, 15, 19, 20, and 22-24 stand rejected under 35 U.S.C. § 103(a) as allegedly being allegedly unpatentable over Martin et al. (U.S. Patent No. 5,848,398) in view of Johnny Rockets' Name That Tune, Tom and Liz's Name That Tune, Winsky et al. (U.S. Patent No. 5,739,451), and further in view of Owens et al. (U.S. Patent No. 6,315,572). This five-way Section 103 rejection is respectfully traversed for at least the following reasons.

Applicant respectfully disagrees with the position taken in the Final Office Action that the weekly updating of Tom and Liz's Name That Tune is similar to the specifically claimed game module that automatically controls the updating of the customized libraries of musical recording stored on the jukebox system. Simply stated, the claimed game module controls the updating. Controls are carried out between each jukebox and between the server and the jukeboxes to check whether the server and each jukebox have the same set of musical recordings whose libraries are customized by updating. This feature is advantageous, as it enables players remote from one to participate in contest games with the same set of musical recordings. With respect to Tom and Liz's Name That Tune, the game proposes a new game with ten new songs each Saturday (<http://www.laurasmidllheaven.com/links/midi-links3.shtml>). Tom and Liz's Name That Tune "new game" feature thus does not correspond to -- and, perhaps more fundamentally, removes the need for -- the above-noted feature of claim 1.

The Office Action argues that Winsky discloses the limitation regarding the ability of the jukebox system to randomly select the musical recording for the game from the customized

library of musical recordings. However, Winsky is an electronic encyclopedia that permits a user to search for information like title, author, etc., about a song with text or note structure. The game disclosed in Winsky simply is a “sub-feature” that appears to be limited to guessing song titles or note structures. As such, Winsky does not teach or suggest that the selection of musical recordings is made between recordings for which the party entitled to royalties has given its agreement for the recording to be used in a game by providing a “flag” indicating that the recording cannot be used for the game. Claims 12 and 19 have been amended to make this difference yet clearer, and support for such amendments can be found in the instant specification, for example, at page 5, line 25 to page 6, line 9.

Additionally, the Office Action maintains that Owens teaches a method and system for computerized authoring of multiple choice questions randomly generated. Owens does not indicate that randomly generated questions are displayed to the user without being checked by the author. Rather, Owens states that “each question that is automatically generated by the question generation mechanism of [Owen’s] invention is noted as not being verified by the author and will not be presented in the learning portion” (col. 14, lines 48-52). The Final Office Action notes that the Owens relates to the educational arts. However, the education question generation techniques of Owens need to be validated by the author of each automatically generated question in order to make sure that “the question conforms to the author’s goals of evaluating the student’s learning of subject matter studied.” The step verification thus is required in Owens -- which certainly is not the case in the claimed invention. Indeed, claim 12 essentially requires that questions are generated and displayed automatically. Once again, claims 12 and 19 have been amended to make this difference yet clearer, and support for such

amendments can be found in the instant specification, for example, at page 6, line 27 to page 7, line 2.

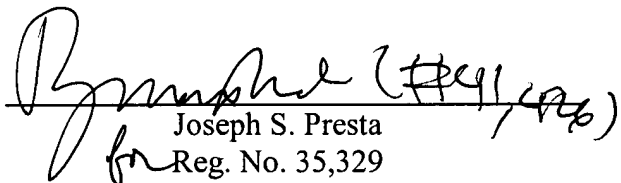
In view of the above, Applicant respectfully submits that the alleged five-way combination of references fails to teach or suggest each and every feature of claims 12 and 19, even if such a combination were appropriate. The remaining claims should be allowable at least by virtue of their dependence on one of allowable independent claims 12 and 19. As such, reconsideration and withdrawal of the Section 103 rejections is respectfully requested.

Applicant respectfully submits that the outstanding rejections have been traversed and that further discussion of the officially noticed "fact" which appears on pages 10-11 of the Final Office Action is not necessary at this time.

For at least the reasons set forth above, Applicant believes that all of the pending claims are in condition for allowance. Thus, allowance of this application is earnestly solicited. Should the Examiner have any questions regarding this case, or deem that any formal matters need to be addressed, the Examiner is invited to call the undersigned attorney at the phone number below.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:  (Reg. No. 35,329)
Joseph S. Presta
Reg. No. 35,329

JSP/JR:lmj
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100